

Attorney for Debtor(s):  
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Space reserved for Bankruptcy Clerk

E filed:

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**UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEVADA  
 (SOUTHERN DIVISION OF NEVADA)**

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|            |   |  |
|------------|---|--|
| In re:     | ) | CASE NO. <b>BK-S-05-27478-LBR</b>      |
|            | ) | CHAPTER 13                             |
| TOM STUMBO | ) | <b>TRUSTEE:</b> Kathleen A. Leavitt    |
|            | ) | <b>CHAPTER 13 PLAN - #4</b>            |
|            | ) | <b>PLAN: ( ) NA (x ) Before</b>        |
|            | ) | <b>(x) After Original Confirmation</b> |
|            | ) | Confirmation Hearing:                  |
| Debtor(s). | ) | DATE: January 15, 2009                 |
|            | ) | TIME: 8:30 a.m. Pre Hearing            |
|            | ) | 1:30 p.m. Court Hearing                |

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**1. NOTICE TO CREDITORS:** *This Plan may ultimately provide a distribution to general unsecured creditors. Creditors should TIMELY file proofs of claim to participate in such distribution.*

**2. INCORPORATION OF CHAPTER 13 PLAN GUIDELINES:** This plan incorporates the Chapter 13 Plan Guidelines for Las Vegas, Nevada (hereinafter referred to as "Guidelines"). Any creditor may request a copy of the Guidelines from the Chapter 13 Trustee or the attorney for Debtor(s).

**3. PLAN PAYMENT SCHEDULE:**

|  |                     |
|--|---------------------|
|  | <u>Amount</u>       |
| <b>Total Paid in Thru 11/2008 (to include Nov payment)</b> | <b>\$13,727.00*</b> |
| <b>Includes the 2005 Tax Refund \$4,399.00.*</b>           |                     |

**A. (i)** \$265.00 per month for 22 months 12/2008 \$5,830.00  
 \$537.00 per month for 1 month (10/2010) \$537.00  
 (Debtor(s) shall not pay less than 36  
 monthly payments unless Plan proposes  
 to pay 100% to all filed and allowed claims)  
 Payments to commence due on the 16<sup>th</sup> of each month.  
 (Date must match Special Directive to Debtor(s)  
 and Their Attorney)

**(ii)** Payments shall increase as follows:  
 (State reason, i.e., paid in full direct  
 during course of Plan or wage increase, etc.)

**B. Non-monthly payments:**

All lump sum payments must be paid into the Plan  
 at least 6 months prior to proposed Plan expiration  
 (Court approval may be required).

Source

|  |                      |
|--|----------------------|
| <b>C. Total minimum plan payments*</b> | <b>\$19,829.00**</b> |
|--|----------------------|

**Base Increased to repay the 2006 refund \$3,446.00 and  
 2007 refund \$2,444.00.\*\***

**+ Annual Tax refunds -**

\*If amount is pursuant to a settlement, see Exhibit attached.  
 (must equal line 4.I.)

**4. CLASSIFICATION OF CLAIMS PAID BY TRUSTEE:****A. ADMINISTRATIVE CLAIMS:**

- (1) Debtor's Attorney Compensation  
(Must comply with Guidelines):

**a. Basic Services:**

|                         |            |            |
|-------------------------|------------|------------|
| Attorney fees and costs | \$2,700.00 |            |
| Filing fee              | \$194.00   |            |
| TOTAL FOR ATTORNEY      | \$2,894.00 |            |
| Less: Amount pre-paid   |            |            |
| By Debtor               | (\$300.00) |            |
| Amount to be paid       |            |            |
| By Trustee              |            | \$2,594.00 |

**b. Estimated additional fees & costs:**

|                       |            |          |
|-----------------------|------------|----------|
| Attorney fees & costs | \$ _____   |          |
| Less: Amount pre-paid |            |          |
| By Debtor             | (\$ _____) |          |
| Amount to be paid     |            |          |
| By Trustee per        |            |          |
| Court order           |            | \$ _____ |

- (2) Other professionals (see Guidelines):

- a. Claimant: \_\_\_\_\_  
Type of service: \_\_\_\_\_

|                       |            |          |
|-----------------------|------------|----------|
| Amount of claim:      | \$ _____   |          |
| Less: Amount pre-paid |            |          |
| By Debtor             | (\$ _____) |          |
| Amount to be paid     |            |          |
| By Trustee            |            | \$ _____ |

- (3) Other administrative claims: \$ \_\_\_\_\_

The aforementioned administrative claims shall be paid simultaneously with adequate protection payments, if any, on allowed secured claims as set forth at 4(B)(3) as follows:

- a. Minimum monthly payment to attorney: \$ \_\_\_\_\_/mo.  
b. Minimum monthly payment to other professional: \$ \_\_\_\_\_/mo.

- (4) Trustee Compensation: See 4(H).

**B. SECURED CLAIMS:**

- (1) Taxes (Federal, State, City and County)

- a) Creditor: Clark County Treasurer  
Period/Type: Property Taxes Claim amount \$  
Interest rate 10% Approx. Interest \$  
TOTAL CLAIM \$.00

(2) **Arrearages**

- a) Creditor: Wells Fargo Bank N.A.  
 Collateral: Residence Pre-petition claim \$3,474.00  
 Interest rate: 0% Approx. Interest \$  
 Direct payment \$1,073.00/MO. To commence: 11/01/05  
 TOTAL CLAIM: \$3,474.00
- b) Creditor: Home Eq.  
 Collateral: Residence Pre-petition claim \$904.00  
 Interest rate: 9.99% Approx. Interest \$44.00  
 Direct payment \$250.00/ mo. To commence:  
 TOTAL CLAIM \$948.00
- c) Creditor:  
 Collateral: Pre-petition claim \$  
 Interest rate: 0% Approx. Interest \$  
 Direct payment \$00/ mo. To commence:  
 TOTAL CLAIM \$

(3) Obligations Paid in Full by Trustee (refer to  
*Section 4(B)(3) of the Guidelines*)

## a) Real Property

- i) Creditor: \_\_\_\_\_  
 Collateral: \_\_\_\_\_ Full claim amount \$ \_\_\_\_\_  
 Interest rate: \_\_\_\_\_% Approx. Interest \$ \_\_\_\_\_  
 Adequate protection payment \$ \_\_\_\_\_/mo.  
 TOTAL CLAIM \$ \_\_\_\_\_

b) Personal Property (vehicles, household goods,  
jewelry, etc.)

- i) Creditor: \_\_\_\_\_  
 Collateral: \_\_\_\_\_  
 Fair Market Value \$  
 Interest rate: % Approx. Interest \$  
 Limited to fair market value of collateral: YES  
 Adequate protection payment \$ \_\_\_\_\_/mo.  
 TOTAL CLAIM: \$

(4) Direct Payments to be made by Debtor that are not  
in arrears (including ongoing City and County taxes)

- a) Creditor: \_\_\_\_\_  
 Collateral: \_\_\_\_\_  
 Regular monthly payment \$/mo.  
 Commence date \_\_\_\_\_ Final payment date \_\_\_\_\_
- b) Creditor: \_\_\_\_\_  
 Collateral: \_\_\_\_\_  
 Regular monthly payment \_\_\_\_\_/mo.  
 Commence date \_\_\_\_\_ Final payment date \_\_\_\_\_
- c) Creditor: \_\_\_\_\_  
 Collateral: \_\_\_\_\_  
 Regular monthly payment \$ \_\_\_\_\_/mo.  
 Commence date \_\_\_\_\_ Final payment date \_\_\_\_\_

- (5) Collateral to be Surrendered:  
Surrender of property is full satisfaction of the secured claim.  
Upon Confirmation, the automatic stay terminates regarding the  
Property to be surrendered.

a) Creditor: Household Retail Service  
Collateral: 2001 Kawasaki Motorcycle  
Location of Collateral: Debtor

**C. EXECUTORY CONTRACTS AND UNEXPIRED LEASES:**

a) Creditor:  
Collateral:  
Reject: no                      Returned to creditor: no  
Assume: yes                    Regular monthly payment \$  
No. of months remaining

**D. UNSECURED PRIORITY CLAIMS:**

- (1) Taxes (Federal, State, City and County)

a) Creditor:  
Period/Type:

TOTAL CLAIM \$

- (2) Child Support/Alimony

a) Creditor:

Interest rate: \_\_\_\_\_%                      Pre-petition claim \$ \_\_\_\_\_  
Direct payment \$ \_\_\_\_\_/mo.              Approx. Interest \$ \_\_\_\_\_  
To commence: \_\_\_\_\_  
TOTAL CLAIM \$ \_\_\_\_\_

- (3) Other Priority

a) Creditor: \_\_\_\_\_  
Type of Priority: \_\_\_\_\_                      Pre-petition claim \$ \_\_\_\_\_  
Interest rate: \_\_\_\_\_%                      Approx. Interest \$ \_\_\_\_\_  
Direct payment \$ \_\_\_\_\_/mo.              To commence: \_\_\_\_\_  
TOTAL CLAIM \$ \_\_\_\_\_

**E. UNSECURED NONPRIORITY CLAIMS:**

- (1) Special Class

a) Creditor: \_\_\_\_\_  
Reason for special class: \_\_\_\_\_  
Pre-petition claim \$ \_\_\_\_\_  
Percentage to be paid \_\_\_\_\_%  
TOTAL CLAIM \$ \_\_\_\_\_

- (2) General Unsecured

a) Approximate total amount of all claims \$38,464.00  
Approximate percentage to be paid \_\_\_\_\_%  
APPROXIMATE AMOUNT TO BE PAID \$10,830.00  
Is Approximate Amount to be Paid modifiable? Yes/no  
If no, explain: \_\_\_\_\_

- (3) Late-Filed

a) Approximate total amount of all claims \$ \_\_\_\_\_  
Approximate percentage to be paid \_\_\_\_\_%  
APPROXIMATE AMOUNT TO BE PAID \$ \_\_\_\_\_  
Is Approximate Amount to be Paid modifiable? Yes/no  
If no, explain: \_\_\_\_\_

**F. POST-PETITION CLAIMS (11 U.S.C. §1305):**

(a) Taxes (Federal, State, City and County)

a) Creditor: \_\_\_\_\_ Claim amount \$ \_\_\_\_\_  
 Period/Type: \_\_\_\_\_ Approx. Interest & penalties \$ \_\_\_\_\_  
**TOTAL CLAIM** \$ \_\_\_\_\_

(b) Other

a) Creditor: \_\_\_\_\_ Claim amount \$ \_\_\_\_\_  
 Type: \_\_\_\_\_ Approx. Interest & penalties \$ \_\_\_\_\_  
**TOTAL CLAIM** \$ \_\_\_\_\_

**G. TOTAL CLAIMS PAID BY TRUSTEE: (Add A-F)** \$17,846.00**H. TRUSTEE COMPENSATION:** \$1,983.00

(1) Not to exceed 10% (divide F. by 9)

**I. TOTAL PLAN PAYMENTS TO TRUSTEE (Add G-H,** \$19,829.00**5. ORDER OF DISTRIBUTION BY TRUSTEE:** The Trustee shall distribute to allowed claims in the following order:

- A.** Section 4(A) - Administrative Claims (unless 4B(3) adequate protection payments shown)
- B.** Section 4(B) - Secured Claims
- C.** Section 4(F) - Post Petition Claims
- D.** Section 4(D) - Unsecured Priority Claims
- E.** Section 4(E) - Unsecured Nonpriority Claims

**6. LIENS TO BE AVOIDED BY MOTION:**

a) Creditor: \_\_\_\_\_  
 Collateral: \_\_\_\_\_  
 Type of Lien: \_\_\_\_\_  
 Value of Lien: \_\_\_\_\_

**7. LIQUIDATION VALUE:**

Liquidation value (from worksheet in Guidelines) \$ \_\_\_\_\_  
 Liquidation value to be paid to priority claims \$ \_\_\_\_\_  
 Liquidation value to be paid to non-priority claims \$ \_\_\_\_\_  
 Liquidation value is based on: \_\_\_\_\_

**8. SCHEDULES/STATEMENT OF FINANCIAL AFFAIRS:**

Copies of the Debtor(s) Schedules and Statement of Financial Affairs may be obtained from the United States Bankruptcy Court Clerk's Office, 300 Las Vegas Blvd. South, Second Floor, Las Vegas, Nevada 89101. Documents may also be viewed via the Bankruptcy Court's website ([www.nvb.uscourts.gov](http://www.nvb.uscourts.gov)).

**9. SIGNATURE BY DEBTOR(S) :**

We undersigned Debtor(s), declare under penalties of perjury, that I/we have read the foregoing Chapter 13 Plan, including any attached sheets, and I/we know and understand the contents thereof and my/our obligations thereunder.

/s/ TOM STUMBO

Debtor

/s/

Joint Debtor (if any)

10. **ATTORNEY SIGNATURE:** /s/ Frank Sorrentino /                       
**ATTORNEY FOR DEBTOR(S)** **DATE**

/s/ Kathleen A. Leavitt /                       
**TRUSTEE** **DATE**

A moratorium will be placed on any delinquency accrued through the date of this modification, but remains subject to the Trustee's review of disposable income during this same period.

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